THE UNITED STATES PATENT AND TRADEMARK OFFICE

rial No.

: 10/790,931

opplicants : Takemori TAKAYAMA et al.

Filed

: March 1, 2004

For

: ROLLING ELEMENT AND METHOD

OF PRODUCING THE SAME

Art Unit

: 1793

Examiner

: Deborah YEE

Docket No. : 04005/HG

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

MAIL STOP RCE

SIR:

Submitted herewith is a copy of an Office Action dated December 19, 2008 in related application Serial No. 11/134,431, which issued as USP 7,566,373.

The enclosed IDS Form identifies publications ("Heat Treatment of Steel: Basis and Operation Standard," Iron and Steel Institute of Japan, Maruzen Co., Ltd., Feb. 20, 1978, p. 110, Table 2.38 and Table 2.39, pp. 257-259, Fig. 5.85 (a copy of which is enclosed); USP 4,173,501 to Hildebrandt et al. and USP

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Dorothy DéFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by Form PTO-2038 attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

7,083,688 to Asano et al.) which were applied in prior art rejections in the enclosed December 19, 2008 Office Action.

The Examiner is respectfully requested to return a copy of the enclosed IDS Form with an indication thereon that all the cited publications were considered and made of record.

Respectfully submitted,

RICHARD S. BARTH REG. NO. 28,180

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Encs.: (1) Office Action dated December 19, 2008 in application Serial No. 11/134,431

(2) IDS Form

RSB/ddf

(3) copy of "Heat Treatment of Steel: Basis and Operation Standard," <u>Iron and Steel Institute of Japan</u>, Maruzen Co., Ltd., Feb. 20, 1978, p. 110, Table 2.38 and Table 2.39, pp. 257-259, Fig. 5.85 (and partial English-language translation thereof)